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TO

Amend the Law and Practice of the Court of
Chancery in Ireland in relation to the Appoint-
ment of Receivers over Real Estate, and to
expedite the Sale of Estates in the said Court.

WHEREAS the levying of Charges upon Real Estate through Procedural
the Medium of Receivers appointed by the Court of
Chancery in Ireland is productive of Injury and Incon-
venience, and is often attended with Expense wholly disproportionate
5 to any Benefits derived therefrom; and it is expedient to diminish the
Necessity for appointing Receivers by giving to the Court increased
Facilities for the Sale of Real Estate, and that the Court should in
all Cases of Applications to appoint Receivers have a Discretion to
refuse or postpone the Appointment as herein-after is provided: Be it
10 therefore enacted by the Queen's most Excellent Majesty, by and
with the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
Authority of the same, as follows:

1. The Expression "the Court" when used in this Act shall Interpreta-
15 mean "the Court of Chancery in Ireland," and shall include the tion.
Chancellor, Master of the Rolls, and each of the Masters in Ordinary
[Bill 209.] acting

acting within their respective Jurisdictions; "Suit" shall include "Cause," "Petition," and "Matter."

Court to have a Discretion in appointing Receivers.

II. When by the Law or Practice of the Court, or by any Act of Parliament, the Court is or shall be empowered to appoint a Receiver over Real Estate for Payment of any Charge thereon, the Court in exercising such Jurisdiction may have Regard to the Amount of the Charge and of the Rental of the Estate, and also to the other Remedies and Securities (if any) possessed by the Person entitled to the Charge, and to the other Circumstances of the Case; and if the Court shall be of opinion that the Appointment of a Receiver is unnecessary 10 or inexpedient, or would not be productive of substantial Benefit to the Person entitled to the Charge, it shall be lawful for the Court to decline or postpone appointing a Receiver, and the Costs of any Application for the Appointment of a Receiver shall be in the Discretion of the Court. 15

Act not to extend to Tithes.

III. Nothing in this Act contained shall extend to affect the Jurisdiction of the Court to appoint Receivers for the Payment of Tithes or Tithe Rentcharge, but such Receivers shall be appointed by the Court as if this Act had not passed.

Repeal of 11 & 12 G. 3, c. 10. (L.)

IV. The Act of the Parliament of Ireland passed in the Eleventh 20 and Twelfth Years of the Reign of His Majesty King George the Third, intituled "An Act for rendering Securities by Mortgage more effectual," is hereby repealed, save as to any Proceeding in any Court of Justice instituted prior to the passing of this Act, and any such Proceeding may be continued and prosecuted as if this Act 25 had not passed.

Real Estate may be sold at any Stage of Suit. 15 & 16 Vict. c. 56. s. 55.

V. It shall be lawful for the Court in any Suit pending or to be instituted therein in relation to any Real Estate, if it shall appear to the Court that it will be necessary or expedient that the said Real Estate, or any Part thereof, should be sold for the Purposes of such 30 Suit, to direct the same to be sold at any Time after the institution of such Suit, and such Sale shall be as valid to all Intents and Purposes as if directed to be made by a Decree or decretal Order on the Hearing of such Suit, or at any other Stage of the Proceedings therein, and shall be carried out according to the Course and Practice 35 of the Court, and according to such general Orders as may from Time to Time be made by the Court for regulating such Sales and securing the Title of the Purchasers thereunder; and any Party to the Suit in possession of such Estate, or in receipt of the Rents and Profits thereof, shall be compelled to deliver up such Possession or Receipt to the Purchaser or such other Person as the Court shall direct. 40



**Court of Chancery
(Ireland) (Receivers).**

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To amend the Law and Practice of the Court of Chancery in Ireland in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court.

(Prepared and brought in by
Mr. Attorney General for Ireland and
Mr. Attorney)

*Ordered, by The House of Commons, to be Printed,
27 June 1896.*

[Bill 200.]

Under 1 oz.

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